IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.Rev.Pet.No.128 of 2001(A)

AGAINST THE ORDER DATED 18TH NOVEMBER, 2000 PASSED IN C.M.P.NO.5848/2000 IN C.C.NO.398 OF 1999 OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, KOZHIKODE.

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REVISION PETITIONERS/ACCUSED:-

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1. USMANKOYA, S/O.AHAMMAD HAJI, THARAVATTATHU, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

2. KUNHALI, S/O.AHAMMAD HAJI, THARAVATTATHU, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

3. UBAIDULLAH, S/O.AHAMMAD HAJI, THARAVATTATHU, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

4. ABUBINAL, S/O.AHAMMAD HAJI, THARAVATTATHU, MAYANAD AMSOM, CHELAVOOR AMSOM OF KOZHIKODE TALUK.

5. SIRAJ, S/O.MUHAMMAD, KOTTAMPARAMBIL HOUSE, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

6. MANSOOR, S/O.ABDUL KHADER, PUTHOOR THAZAM PETTAMMEL HOUSE, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

7. SULAIMAN, S/O.USSAIN, KALIYULLATHIL HOUSE, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

8. UBAIDULLA, S/O.MUHAMMAD, MELEKOTTOL HOUSE, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

9. HARIF, S/O.KOYA, KOTTOL HOUSE, MAYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

10. ABBAS, S/O.MAMMAD, KOTTOL HOUSE, MAYYANAD AMSOM, CHELAVOOR DESOM OF KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT:-
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1. THE SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION, KOZHIKODE.

2. THE STATE OF KERALA.

(RESPONDENTS 1 AND 2 REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM).

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.128 of 2001-A

Dated, this the 29th day of November, 2006

ORDER

V.K. Bali, CJ. (Oral):

This revision has been directed against the order dated 18th November, 2000 passed by the Judicial First Class Magistrate-I, Kozhikode, by which the application filed by the Assistant Public Prosecutor under Section 321 of the Code of Criminal Procedure to withdraw from prosecution was dismissed. Learned counsel for the parties are ad idem that the matter is covered in favour of the petitioner by the decision of this Court in Crl.R.P.No.517 of 2000 (**Abdulla** v. **The Sub Inspector of Police**) decided on 6th July, 2000. The same direction would be issued in this case also.

The Criminal Revision Petition is disposed of as indicated above. Crl.M.P.No.543 of 2001 does not survive.

V.K.Bali
Chief Justice

vku/-